

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

UNITED STATES OF AMERICA)	CR118-014
)	
v.)	
)	
PHILLIP STEWART)	
CARTLEDGE)	

MOTION TO APPROVE PRELIMINARY ORDER OF FORFEITURE

COMES NOW the United States of America, by and through Bobby L. Christine, the United States Attorney for the Southern District of Georgia, and respectfully requests that this Court approve the attached Preliminary Order of Forfeiture.

This 16th day of October, 2018.

Respectfully Submitted,

BOBBY L. CHRISTINE
UNITED STATES ATTORNEY

/s/ Patricia G. Rhodes

Patricia G. Rhodes
Georgia Bar No. 307288
Branch Office Chief
Assistant United States Attorney

P.O. Box 2017
Augusta, Georgia 30903
(706) 724-0517

CERTIFICATE OF SERVICE

This is to certify that I have on this day served all the parties in this case in accordance with the notice of electronic filing ("NEF") which was generated as a result of electronic filing in this Court.

This ____ day of October, 2018.

BOBBY L. CHRISTINE
UNITED STATES ATTORNEY

/s/ Patricia G. Rhodes

Patricia G. Rhodes
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA)	CR118-014
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PHILLIP STEWART)	
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PRELIMINARY ORDER OF FORFEITURE

WHEREAS, on April 3, 2018, a federal grand jury sitting in the Southern District of Georgia returned a three-count Indictment against Defendant Phillip Stewart Cartledge (hereinafter, the “Defendant”) charging violations of 18 U.S.C. § 922(g)(1) (Counts One through Three – Possession of a Firearm by a Prohibited Person);

WHEREAS, the Indictment sought forfeiture pursuant 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) of any firearm and ammunition involved in the commission of the offense(s);

WHEREAS, on June 12, 2018, pursuant to a written plea agreement, Defendant pled guilty to Count Three of the Indictment, charging Possession of a Firearm by a Prohibited Person in violation of 18 U.S.C. § 922(g)(1);

WHEREAS, pursuant to the plea agreement the Defendant agreed to the forfeiture of his interest in any firearms and ammunition involved or used in the knowing commission of the offense to which he has pled guilty, specifically, one (1)

Russian Model SKS 7.62 x 39 rifle bearing serial number 918300;¹ one (1) Springfield Model XD40 .40 caliber pistol bearing serial number GM166792; one (1) Smith and Wesson Model M & P 15 Sport II 5.56mm caliber rifle bearing serial number TH94298; one-hundred seventy-two (172) rounds of assorted ammunition; and ninety-two (92) rounds of assorted 223 caliber ammunition (collectively, the “Subject Property”); and

WHEREAS, Defendant hereby agrees to waive the requirements of Federal Rules of Criminal Procedure 32.2, and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment without further order of the Court.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Pursuant to 21 U.S.C. § 853 and Rule 32.2(b)(1) of the Federal Rules of Criminal Procedure, the Government has established the requisite nexus between the Subject Property and the offense committed by Defendant, and the Subject Property is hereby forfeited to the United States.

2. Upon entry of this Order, the Attorney General (or a designee) is authorized to commence any applicable proceeding to comply with statutes governing third-party rights, including giving notice of this Order. No such notice or ancillary proceeding is necessary to the extent that this Order consists solely as a judgment for a sum of money. *See* Fed. R. Crim. P. 32.2(c)(1).

¹ The Indictment and Plea Agreement misidentified the serial number for the Russian Model SKS 7.62 x 39 rifle; the correct serial number is 9918300.

3. Any person, other than the above-named defendant, asserting a legal interest in the Subject Property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the Subject Property, and for an amendment of the order of forfeiture, pursuant to 28 U.S.C. § 2461(c).

4. Pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture shall become final as to Defendant at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

5. Any petition filed by a third party asserting an interest in the Subject Property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the Subject Property, and any additional facts supporting the petitioner's claim and the relief sought.


6. If a petition is filed by a third party, and after the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

7. The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests, or if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third-party petitions.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

9. The Clerk of the Court shall forward four certified copies of this Order to Assistant U.S. Attorney Patricia G. Rhodes, United States Attorney's Office for the Southern District of Georgia, P.O. Box 2017, Augusta, Georgia 30903.

Date: 10/16/2018



HON. CHIEF JUDGE J. RANDAL HALL
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA